

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MALCOLM WIGGINS,

Plaintiff,

v.

**JOHN BALDWIN, JOSEPH YURKOVICH,
ALFONSO DAVID, DR. APOSTLE,
TAMMY PITTAJATHIHAN, JEFFERY
DENNISON, JOHN DOE and UNKNOWN
ORANGE CRUSH MEMBER,**

Defendants.

No. 17-cv-583-DRH-DGW

MEMORANDUM and ORDER

HERNDON, District Judge:

Plaintiff Malcolm Wiggins brought this *pro se* action for deprivations of his constitutional rights pursuant to 42 U.S.C. § 1983 while incarcerated at Shawnee Correctional Center. On July 5, 2017, Wiggins filed a notice informing the Court he had been moved from Shawnee Correctional Center to Illinois River Correctional Center (Doc. 7). Thereafter, on July 25, 2017, the Court conducted its preliminary review of the complaint pursuant to 28 U.S.C. § 1915A, and the matter was referred to Magistrate Judge Donald G. Wilkerson (Doc. 9).

Subsequently, Wiggins attempted to amend his complaint to add claims arising from his incarceration at Illinois River that involved different defendants (Doc. 61). The Court denied his motion as not relating to any claim or defense presented in the original pleadings (Doc. 82).

Thereafter, Wiggins filed the pending motion for preliminary injunction (Doc. 87) seeking an relief against, among others, Dr. Kirk Osmunsadin, the Pharmacy Department at Illinois River Correctional Center, and Wexford Health Source (Doc. 87). Defendants opposed the motion (Doc. 95)

Pursuant to 28 U.S.C. § 636(b)(1)(B), Magistrate Wilkerson submitted a Report and Recommendation (“the Report”) on February 26, 2018 (Doc. 97). The Report recommends that the Court deny Wiggins’ motion for preliminary injunction in its entirety. The Report was sent to the parties with a notice informing them of their right to appeal by way of filing “objections” within 14 days of service of the Report. To date, none of the parties has filed objections. The period in which to file objections has expired. Therefore, pursuant to 28 U.S.C. § 636(b), this Court need not conduct *de novo* review. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985).

Accordingly, the Court **ADOPTS** the Report (Doc. 97). The Court **DENIES** Wiggins’ motion for preliminary injunction and temporary restraining order (Doc. 87) for the reasons given in the Report and Recommendation.

IT IS SO ORDERED.

David Herndon



Judge Herndon
2018.03.16
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United States District Judge